

On motion of Senator Blake and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

S.B. 635 (Traeger) Relating to state contributions for military service credited in the Employees Retirement System of Texas. (29-1) Washington "Nay" (30-0)

S.B. 636 (Traeger) Relating to internal accounting procedures of the Employees Retirement System of Texas. (29-1) Washington "Nay" (30-0)

S.B. 649 (Traeger) Relating to the creation, administration, powers, and duties of the County Court at Law of Starr County. (29-1) Washington "Nay" (30-0)

C.S.S.B. 650 (Parker) Relating to exempting pension benefits from forced sale for the payment of debts. (29-1) Washington "Nay" (30-0)

CONCLUSION OF SESSION FOR LOCAL AND UNCONTESTED BILLS CALENDAR

The Presiding Officer (Senator Blake in Chair) announced that the session for the consideration of the Local and Uncontested Bills Calendar was concluded.

ADJOURNMENT

On motion of Senator Brooks, the Senate at 8:39 o'clock a.m. adjourned until 11:00 o'clock a.m. today.

FORTY-FIRST DAY (Thursday, March 21, 1985)

The Senate met at 11:00 o'clock a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Barrientos, Blake, Brooks, Brown, Edwards, Farabee, Harris, Henderson, Howard, Jones, Kothmann, Krier, Leedom, Lyon, McFarland, Mauzy, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Traeger, Truan, Uribe, Whitmire, Williams.

Absent: Washington.

Absent-excused: Caperton, Glasgow, Sims.

A quorum was announced present.

Senator Carlos Truan offered the invocation as follows:

Lord, make me an instrument of
Thy peace
Where there is hatred, let me sow love
where there is injury, pardon
where there is doubt, faith
where there is despair, hope
where there is darkness, light
where there is sadness, joy.
Oh Divine Master, grant that I may not
so much seek to be consoled, but to console,
to be understood, but to understand
to be loved, but to love.

For it is in giving that we receive,
in pardoning that we are pardoned
and in dying that we are born to eternal life.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

LEAVES OF ABSENCE

Senator Glasgow was granted leave of absence for today on account of important business on motion of Senator Edwards.

Senator Sims was granted leave of absence for today on account of illness on motion of Senator Jones.

Senator Caperton was granted leave of absence for today on account of death in family on motion of Senator Edwards.

MESSAGE FROM THE HOUSE

House Chamber
March 21, 1985

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

S.C.R. 58, Expressing sincere appreciation to Mrs. Donna Shults for her many years of dedicated service to the people of Texas.

S.B. 137, Relating to the procedure for filing triplicate prescription forms for certain prescriptions, the information required on triplicate prescriptions for controlled substances, the circumstances under which unused prescription forms must be returned to the Department of Public Safety, the period for which patent information is retained, and the expiration date of the triplicate prescription forms.

S.B. 133, Relating to the composition of a city planning commission. (With amendment)

H.B. 469, Relating to the exclusion of independent school districts from the wage rate requirements for public works projects.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

REPORTS OF STANDING COMMITTEES

Senator Farabee submitted the following report for the Committee on State Affairs:

S.B. 835
S.B. 844
S.B. 771
S.B. 762
C.S.S.B. 822

Senator Santiesteban submitted the following report for the Committee on Natural Resources:

S.B. 730

S.B. 764

S.B. 507

Senator Traeger submitted the following report for the Committee on Intergovernmental Relations:

S.B. 362

S.B. 551

S.B. 552

C.S.S.B. 590

C.S.S.B. 724

SENATE BILLS AND RESOLUTIONS ON FIRST READING

On motion of Senator Edwards and by unanimous consent, the following bills and resolutions were introduced, read first time and referred to the Committee indicated:

S.B. 1266 by Edwards Jurisprudence
Relating to prohibiting certain contracts between persons who sell chemicals for application to agricultural or vegetable seed and persons who buy the chemicals for that purpose.

S.B. 1267 by Brooks Health and Human Resources
Relating to regulation of manufactured housing; providing for installation, registration, fees, and penalties; amending The Texas Manufactured Housing Standards Act, as amended (Article 5221f, Vernon's Texas Civil Statutes), by adding Sections 3A and 4A and by amending Subsections (k) and (n) of Section 7, Subsections (f) and (h) of Section 11, Section 17, and Subsections (d) and (f) of Section 18; amending Section D, Article 6701-1/2, Revised Statutes and repealing another such section.

S.B. 1268 by Traeger Natural Resources
Relating to management and control of encumbered facilities and systems of the Guadalupe-Blanco River Authority by a board of trustees.

S.B. 1269 by Edwards Intergovernmental Relations
Relating to reimbursement for vaccinations given to certain governmental employees.

S.B. 1270 by Mauzy Intergovernmental Relations
Relating to the appointment of masters in certain district courts in Dallas County.

S.C.R. 84 by Barrientos Jurisprudence
Granting Maria Candelaria Solis permission to sue the State of Texas.

S.C.R. 85 by Caperton State Affairs
Directing the Public Utility Commission of Texas to investigate the divestiture of the Bell System from American Telephone and Telegraph Company.

S.C.R. 86 by Barrientos Jurisprudence
Granting Geoffrey Wayne Chandler and Frances Dee Cooper permission to sue the State of Texas.

HOUSE BILLS ON FIRST READING

The following bills received from the House were read the first time and referred to the Committee indicated:

- H.B. 76**, To Committee on State Affairs.
- H.B. 90**, To Committee on Intergovernmental Relations.
- H.B. 128**, To Committee on Intergovernmental Relations.
- H.B. 353**, To Committee on State Affairs.
- H.B. 536**, To Committee on Natural Resources.
- H.B. 556**, To Committee on Intergovernmental Relations.
- H.B. 620**, To Committee on State Affairs.
- H.B. 1147**, To Committee on Finance.

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was referred to the Committee on Nominations:

Austin, Texas
March 21, 1985

TO THE SENATE OF THE SIXTY-NINTH LEGISLATURE,
REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

TO BE MEMBERS OF THE TEXAS HOUSING AGENCY BOARD OF DIRECTORS:

For a term to expire January 31, 1991:

ARTHUR NAVARRO
2214 East First
Austin, Texas 78702

(Mr. Navarro is replacing Ms. Katherine Crumley of Shepherd, San Jacinto County, Texas; whose term expired.)

For a term to expire January 31, 1991:

RICHARD JORDAN
1801 Polo Road
Austin, Texas 78703

(Mr. Jordan is replacing Mr. James Ritter of Nederland, Jefferson County, Texas, whose term expired.)

For a term to expire January 31, 1991:

W. E. DANIELS
339 Tamerlaine
Houston, Texas 77024

(Mr. Daniels is replacing Mr. Wade T. Nowlin of Fort Worth, Tarrant County, Texas, whose term expired.)

Respectfully submitted,
/s/Mark White
Governor of Texas

SENATE RESOLUTION 225

Senator Brooks offered the following resolution:

S.R. 225, Congratulating the Madison Marlins of Madison High School, Houston, on winning the State Class AAAAAA Basketball Championship title.

WASHINGTON
BROOKS

The resolution was read and was adopted.

GUESTS PRESENTED

Senator Brooks recognized the presence of the Madison Marlins seated in the gallery.

The Senate welcomed them and expressed their congratulations.

BILL AND RESOLUTION SIGNED

The President announced the signing in the presence of the Senate, after the caption had been read, the following enrolled bill and resolution:

S.C.R. 82

S.B. 78 (Again signed)

SESSION TO CONSIDER EXECUTIVE APPOINTMENTS

The President announced the time had arrived to consider the Executive appointments to agencies, boards and commissions. Notice of submission of these names for consideration was given yesterday by Senator Howard.

Senator Howard moved confirmation of the nominees reported yesterday by the Committee on Nominations.

The President asked if there were requests to sever nominees.

There were no requests offered.

NOMINEES CONFIRMED

The following nominees as reported by the Committee on Nominations were confirmed by the following vote: Yeas 26, Nays 0.

Absent: Santiesteban, Washington.

Absent-excused: Caperton, Glasgow, Sims.

Member, Finance Commission of Texas: D. GENE PHELPS, Harris County.

Member, Health Facilities Commission: RODNEY TOW, Montgomery County.

Member, Veterans Land Board: KARL M. MAY, McLennan County.

Members, Texas Board of Corrections: DENNIS R. HENDRIX, Dallas County; ALFRED HUGHES, Travis County; ROBERT (BOB) LANE, Travis County; JAMES PARSONS III, Anderson County.

Members, Texas Advisory Commission on Intergovernmental Relations: BILL BAILEY, Harris County; JAMES D. DANNENBAUM, Harris County; MRS. PIC RIVERS, Harris County; TOM VICKERS, Bexar County; DICK WHITTINGTON, Dallas County.

Member, Texas Merit System Council: ARTURO MANCHA, Maverick County.

Member, State Board of Plumbing Examiners: RONALD GENE GOODNIGHT, Bell County.

Member, Prosecutor Council: KEN EPLEY, Tom Green County.

Member, Commission on Uniform State Laws: PETER K. MUNSON, Grayson County.

Associate Justice, 3rd Court of Appeals: JAMES L. CARROLL, Bell County.

Associate Justice, 2nd Court of Appeals: HARRY HOPKINS, Parker County.

GUEST PRESENTED

Senator Krier was recognized and introduced the Capitol Physician for the Day, Dr. Leonard G. Paul of Boerne.

The Senate expressed their appreciation to Dr. Paul for his service today.

COMMITTEE SUBSTITUTE SENATE BILL 169 ON SECOND READING

On motion of Senator Brown and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 169, Relating to correction of a defect, error, or irregularity in an indictment or information and to waiver of the defendant's right to object to a defect, error, or irregularity in an indictment or information.

The bill was read second time and was passed to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 169 ON THIRD READING

Senator Brown moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 169** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 0.

Absent: Santiesteban, Washington.

Absent-excused: Caperton, Glasgow, Sims.

The bill was read third time and was passed.

COMMITTEE SUBSTITUTE**SENATE JOINT RESOLUTION 16 ON SECOND READING**

On motion of Senator Brown and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.J.R. 16, Proposing a constitutional amendment relating to the manner in which a person is charged with a criminal offense and to certain requirements applicable to state writs and processes.

The resolution was read second time and was passed to engrossment.

COMMITTEE SUBSTITUTE**SENATE JOINT RESOLUTION 16 ON THIRD READING**

Senator Brown moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.J.R. 16** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 0.

Absent: Santiesteban, Washington.

Absent-excused: Caperton, Glasgow, Sims.

The resolution was read third time and was passed by the following vote: Yeas 26, Nays 0. (Same as previous roll call)

SENATE BILL 613 ON SECOND READING

On motion of Senator Howard and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 613, Relating to the conveyance of certain state-owned real property in Paris, Texas.

The bill was read second time.

Senator Howard offered the following amendment to the bill:

Amend S.B. 613 by renumbering current SECTION 4 as SECTION 6 and by adding new SECTIONS 4 and 5 to read as follows:

SECTION 4. CONFORMING AMENDMENT. Subsection (a), Section 2, Chapter 333, Acts of the 66th Legislature, Regular Session, 1979, is amended to read as follows:

“(a) The state-owned properties that the Texas Employment Commission may sell as provided by Subsection (a) of Section 1 of this Act are the following described tracts and parcels of land:

“(1) all that certain tract of land in the City and County of El Paso, State of Texas, described as: The south sixteen and two-thirds feet (16-2/3') of Lot Thirty-seven (37), and all of Lot Thirty-eight (38), Lot Thirty-nine (39), Lot Forty (40), Lot Forty-one (41), and Lot Forty-two (42) in Block Five (5) of Satterthwaite Addition to the City of El Paso, El Paso County, Texas;

“(2) all that certain tract of land situated in Orange, Orange County, State of Texas; being Lots 3 and 4, in Block 67, of the City of Orange, Texas, in accordance with the plat of said City of Orange, recorded in Volume 'K', page 47, Deed Records of Orange County, Texas, a copy of said plat being also recorded in Volume 1, page 74, of the Map Records of Orange County, Texas;

“(3) all that certain tract of land situated in the City of Port Arthur, Jefferson County, State of Texas; being all of Lots 18, 19, 20, 21, 22, 23, and 24, in Block 79, of the City of Port Arthur, Jefferson County, Texas, according to the map or plat thereof recorded in Volume 1, page 50, Map Records of Jefferson County, Texas;

“(4) all that certain tract of land located in Tyler, Smith County, Texas, described as follows:

“A part of N.C.B. 666-C to the City of Tyler, Smith County, Texas,

“BEGINNING 40 feet South 0 degrees 40 minutes West from N.W.C. of Lot 1, Block 666-C of the 'Herndon Resubdivision' as per Plat in Volume 1, page 227 of the Smith County Plat Records; an iron pin (found) on present S.B.L. of West Front Street (90 feet wide) and E.B.L. of South Hill Avenue;

“THENCE South 0 degrees 40 minutes West 268-1/10 feet along E.B.L. of Hill Avenue to an iron pin (found) on N.B.L. of McCain Drive;

“THENCE East 150 feet along McCain Drive to an iron pin for corner;

“THENCE North 0 degrees 40 minutes East 268-1/10 feet to an iron pin on present S.B.L. of West Front Street;

“THENCE West 150 feet along S.B.L. of West Front Street to the PLACE OF BEGINNING; being the West 150 feet of a lot conveyed by Grace Herndon Patten et al to the Coca Cola Bottling Works as of record in Volume 636, page 598, of Deed Records;

“(5) ~~[all that certain tract of land described as follows: Situated within the Corporate Limits of the City of Paris, County of Lamar, and State of Texas, a part of the Larkin Rattan Survey, also being a part of City Block 108, and being a description of 2 lots as follows:~~

~~“[BEGINNING at a stake for corner at the intersection of the East Boundary Line of S.E. 6th St., with the North Boundary Line of Fort St., said point being the Southwest corner of said City Block 108, said point also being the Southwest corner of said Wear tract of land;~~

~~“[THENCE East along the North Boundary Line of Fort St., a distance of 254 ft. to a stake for corner, said point being the Southeast corner of said Wear tract of land;~~

~~“[THENCE North a distance of 125 ft. to a stake for corner;~~

~~"[THENCE West a distance of 70 ft. to a stake for corner;~~
~~"[THENCE North a distance of 17 ft. to a metal post for corner;~~
~~"[THENCE West a distance of 184 ft. to an iron pin for corner in the East~~
~~Boundary Line of S.E. 6th St., said point being the Northwest corner of said Wear~~
~~tract of land;~~

~~"[THENCE South along the E.B. Line of S.E. 6th St., a distance of 142 feet to~~
~~the place of beginning;~~

"[(6)] all that certain tract of land lying and being situated in Bell County, Texas, to-wit:

"A tract of land in the City of Temple, Bell County, Texas, and the land herein described being a part of Parcel #16 and a part of Parcel #17 of the 'old Scott & White Hospital location' a Plat of which is on record in Vol. 904, Page 449 of the Deed Records of Bell County, Texas, and a part of the land conveyed to S. R. Sales, Inc. by Scott and White Memorial Hospital and Scott, Sherwood and Brindley Foundation by deed of record in Vol. 905, Page 326, Deed Records of Bell County, Texas.

"BEGINNING at the northeast corner of the said Parcel #16, the intersection of the south line of Avenue 'G' with the west line of Fifth Street for the northeast corner of this.

"THENCE S. 19 deg. 00' W., 150.0 feet with the west line of Fifth Street and the east line of Parcel #16 and Parcel #17, a point in the east line of Parcel #17 for the southeast corner of this.

"THENCE N. 71 deg. 00' W., 83.0 feet to an iron pipe for the southwest corner of this.

"THENCE n. 19 deg. 00' E., 150.00 feet to a point in the north line of Parcel #16 and the south line of Avenue 'G' for the northwest corner of this.

"THENCE S. 71 deg. 00' E., 83.0 feet to the place of beginning.

"As surveyed on the ground by Fred Williamson, Registered Public Surveyor, on December 14, A.D. 1964;

"(6) [(7)] all that certain tract of land situated in Dallas County, Texas, and described as follows, to-wit:

"BEING all of LOTS ONE (1), TWO (2) and THREE (3) and the East ten (10) feet of LOT FOUR (4) in BLOCK 84 of DALWORTH PARK, now an Addition to the City of Grand Prairie, according to the Map of said Addition, recorded in Vol. 1, Pages 546 and 547, Map Records, Dallas County, Texas; SAVE AND EXCEPT the South forty (40) feet deeded to The State of Texas for right-of-way widening; and

"All that certain tract of land situated in Dallas County, Texas, described as follows, to-wit:

"BEING LOT TWENTY (20) in BLOCK 76 of DALWORTH PARK, now an Addition to the City of Grand Prairie, according to the Map of said Addition recorded in Vol. 1, Pages 324 and 325, Map Records, Dallas County, Texas; and

"(7) [(8)] all that certain tract of land located in Fort Worth, Tarrant County, Texas, described as follows, to-wit:

"All of Block Three (3) of Sanders (sometimes called Saunders) Addition to the City of Fort Worth, Tarrant County, Texas, as recorded on August 2, 1967, in Vol. 4438, Pages 585, 586, 587, 588, 589, and 590, and as further recorded on August 3, 1967, in Vol. 4439, Pages 118, 119, and 120, all of the Deed Records of Tarrant County, Texas."

SECTION 5. REPEALER. Chapter 687, Acts of the 68th Legislature, Regular Session, 1983, is repealed.

The amendment was read and was adopted.

On motion of Senator Howard and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

SENATE BILL 613 ON THIRD READING

Senator Howard moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 613** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 0.

Absent: Santiesteban, Washington.

Absent-excused: Caperton, Glasgow, Sims.

The bill was read third time and was passed by the following vote: Yeas 26, Nays 0. (Same as previous roll call)

SENATE BILL 545 ON SECOND READING

On motion of Senator Traeger and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 545, Relating to the conveyance of certain state-owned real property in Navarro County.

The bill was read second time.

Senator McFarland offered the following amendment to the bill:

Amend **S.B. 545** by adding a new SECTION 5 to read as follows and renumbering the Emergency Clause as SECTION 6:

“SECTION 5. Any offer to sell the real property described in Section 1 of this Act shall be advertised at least once a week for four consecutive weeks in at least two newspapers, one of which shall be published in Navarro County. The other newspaper in which the offer to sell is advertised shall have statewide circulation. Any sale of such real property shall be made to the highest bidder by sealed bid if the consideration for and terms and conditions of sale are deemed satisfactory by the Texas Youth Commission; provided, however, that no such sale will be made for an amount less than the current appraised value of such real property.”

The amendment was read and was adopted.

On motion of Senator Traeger and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

SENATE BILL 545 ON THIRD READING

Senator Traeger moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 545** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 0.

Absent: Santiesteban, Washington.

Absent-excused: Caperton, Glasgow, Sims.

The bill was read third time and was passed by the following vote: Yeas 26, Nays 0. (Same as previous roll call)

COMMITTEE SUBSTITUTE SENATE BILL 439 ON SECOND READING

On motion of Senator Farabee and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 439, Relating to the sale of prearranged or prepaid funeral services or funeral merchandise to be delivered at an undetermined future date, to the powers and duties of the Banking Department of Texas and the Banking Commissioner of Texas, to the handling and disposition of funds; providing penalties; amending Section 1a and Sections 2 through 9, Chapter 512, Acts of the 54th Legislature, Regular Session, 1955, as amended (Article 548b, Vernon's Texas Civil Statutes).

The bill was read second time.

Senator Farabee offered the following amendment to the bill:

Floor Amendment No. 1

Amend **C.S.S.B. 439** as follows:

(1) Amend Subsection (d), Section 9 on page 14, line 4 (Committee Printing page 5, line 70) to read as follows:

"association in this state or a trust company authorized to do business in this state."

The amendment was read and was adopted.

Senator Farabee offered the following amendment to the bill:

Floor Amendment No. 2

Amend **C.S.S.B. 439** as follows:

(1) Amend page 7, lines 6-12 (Committee Printing page 3, lines 30-36) to read as follows:

"The seller may also withdraw funds from the accrued interest or income on the deposit accounts or trust accounts for the purpose of paying the examination fee for one examination each calendar year, if such is conducted by the Department, or for the preparation of financial statements required by the Department in lieu of an examination by the Department."

(2) Amend Subsection (d), Section 9 on page 13, line 24 (Committee Printing page 5, line 64) to read as follows:

"(d) A permit holder or former permit holder having unmatured"

The amendment was read and was adopted.

Senator Parmer offered the following amendment to the bill:

Floor Amendment No. 3

Amend **C.S.S.B. 439** as follows:

(1) Delete the words "or handled as prescribed" on page 1, line 22 (Committee Printing page 1, line 29).

(2) Delete the overstriking on page 1, lines 22-25, and the overstriking on page 2, line 1 (Committee Printing page 1, lines 29-33).

(3) Delete the word "as" on page 4, line 25 (Committee Printing page 2, line 41).

(4) Delete the overstriking on page 4, lines 25-26 (Committee Printing page 2, lines 41-42).

The amendment was read and was adopted.

On motion of Senator Farabee and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 439 ON THIRD READING

Senator Farabee moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 439** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 0.

Absent: Santiesteban, Washington.

Absent-excused: Caperton, Glasgow, Sims.

The bill was read third time and was passed by the following vote: Yeas 26, Nays 0. (Same as previous roll call)

HOUSE BILL 374 ON SECOND READING

On motion of Senator Sarpalius and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 374, Relating to the Advisory Council for Technical-Vocational Education.

The bill was read second time and was passed to third reading.

HOUSE BILL 374 ON THIRD READING

Senator Sarpalius moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 374** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 0.

Absent: Santiesteban, Washington.

Absent-excused: Caperton, Glasgow, Sims.

The bill was read third time and was passed by the following vote: Yeas 26, Nays 0. (Same as previous roll call)

COMMITTEE SUBSTITUTE SENATE BILL 500 ON SECOND READING

Senator Lyon moved to suspend the regular order of business to take up for consideration at this time:

C.S.S.B. 500, Relating to the regulation of the use of safety belts in certain motor vehicles; providing a penalty.

(President Pro Tempore Farabee in Chair)

The motion prevailed by the following vote: Yeas 19, Nays 8.

Yeas: Barrientos, Brooks, Brown, Farabee, Harris, Jones, Kothmann, Leedom, Lyon, Mauzy, Montford, Parker, Parmer, Sarpalius, Sharp, Truan, Uribe, Whitmire, Williams.

Nays: Blake, Edwards, Henderson, Howard, Krier, McFarland, Santiesteban, Traeger.

Absent: Washington.

Absent-excused: Caperton, Glasgow, Sims.

The bill was read second time.

Senator Sarpalius offered the following amendment to the bill:

Floor Amendment No. 1

Amend C.S.S.B. 500, Section 107C, by striking 1,000 and adding in its place 1,500.

The amendment was read and was adopted by the following vote: Yeas 23, Nays 4.

Yeas: Barrientos, Blake, Brooks, Farabee, Harris, Henderson, Jones, Kothmann, Krier, Leedom, Lyon, McFarland, Mauzy, Montford, Parker, Parmer, Santiesteban, Sarpalius, Traeger, Truan, Uribe, Whitmire, Williams.

Nays: Brown, Edwards, Howard, Sharp.

Absent: Washington.

Absent-excused: Caperton, Glasgow, Sims.

(President in Chair)

Senator Henderson offered the following amendment to the bill:

Floor Amendment No. 2

Amend C.S.S.B. 500 by deleting lines 55 through lines 59 inclusive.

The amendment was read.

On motion of Senator Lyon, the amendment was tabled by the following vote: Yeas 16, Nays 10.

Yeas: Barrientos, Brooks, Edwards, Farabee, Kothmann, Leedom, Lyon, McFarland, Mauzy, Parker, Parmer, Santiesteban, Sarpalius, Truan, Uribe, Whitmire.

Nays: Blake, Brown, Harris, Henderson, Howard, Jones, Krier, Montford, Traeger, Williams.

Absent: Sharp, Washington.

Absent-excused: Caperton, Glasgow, Sims.

Senator Krier offered the following amendment to the bill:

Floor Amendment No. 3

Amend C.S.S.B. 500 on page 1, lines 58-59, by adding the following after the first sentence of Subsection (j): read "This subsection has no effect if the Public Safety Commission finds that, because of this subsection, this Section does not comply with the requirements of Federal Motor Vehicle Safety Standard No. 208. The commission shall publish its finding in the Texas Register, and that finding does not affect the admission of the evidence prior to the date of publication."

The amendment was read.

On motion of Senator Lyon, the amendment was tabled by the following vote: Yeas 20, Nays 7.

Yeas: Barrientos, Brooks, Edwards, Farabee, Harris, Kothmann, Leedom, Lyon, McFarland, Mauzy, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Truan, Uribe, Whitmire, Williams.

Nays: Blake, Brown, Henderson, Howard, Jones, Krier, Traeger.

Absent: Washington.

Absent-excused: Caperton, Glasgow, Sims.

Senator McFarland offered the following amendment to the bill:

Floor Amendment No. 4

Amend **C.S.S.B. 500** by adding a new Subsection 6.

This statute shall not take effect unless required to prevent implementation of the sanctions imposed under regulations adopted by the National Highway Traffic Safety Administration pertaining to mandatory air bag installation in motor vehicles, same being Federal Motor Vehicle Safety Standard 208.

McFARLAND
HENDERSON
HOWARD

The amendment was read.

On motion of Senator Lyon, the amendment was tabled by the following vote: Yeas 17, Nays 10.

Yeas: Barrientos, Brooks, Brown, Harris, Kothmann, Krier, Leedom, Lyon, Mauzy, Montford, Parker, Parmer, Sarpalius, Truan, Uribe, Whitmire, Williams.

Nays: Blake, Edwards, Farabee, Henderson, Howard, Jones, McFarland, Santiesteban, Sharp, Traeger.

Absent: Washington.

Absent-excused: Caperton, Glasgow, Sims.

On motion of Senator Lyon and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

RECORD OF VOTES

Senators Howard, McFarland, Sharp, Blake and Edwards asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

ADJOURNMENT

On motion of Senator Brooks, the Senate at 12:20 o'clock p.m. adjourned until 11:00 o'clock a.m. Monday, March 25, 1985.

APPENDIX

Sent to Governor
(March 20, 1985)

S.C.R. 79